

AMENDED IN ASSEMBLY SEPTEMBER 7, 1999

AMENDED IN ASSEMBLY JULY 15, 1999

AMENDED IN ASSEMBLY JUNE 29, 1999

AMENDED IN ASSEMBLY JUNE 15, 1999

AMENDED IN SENATE MAY 11, 1999

AMENDED IN SENATE APRIL 5, 1999

SENATE BILL

No. 316

Introduced by Senators Chesbro and Leslie

(Coauthors: Assembly Members Aanestad, Dickerson, Florez, House, Kuehl, Machado, Olberg, Strom-Martin, and Thomson)

February 8, 1999

An act to amend ~~Sections 6254.21 and~~ *Section* 15202 of, and to add Section 15205 to, the Government Code, and to amend ~~Section 16 of Chapter 326 of the Statutes of 1998,~~ relating to state and local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 316, as amended, Chesbro. State and local government.

~~(1) The California Public Records Act sets forth specified procedures for the disclosure of certain types of information by state and local agencies, but prohibits any state or local agency from posting the home address or telephone number of an elected or appointed official on the Internet without first obtaining the written permission of that individual.~~

~~This bill would provide that the home address of an elected or appointed official shall be deemed not to be posted on the Internet if it appears on the Internet as a portion of a data base that is a public record as a matter of law and provided that search by name is blocked.~~

~~(2) Existing law authorizes counties that are responsible for the cost of a homicide trial or trials or any hearing of a person for the offense of homicide to apply to the Controller for reimbursement by the state for the expenses incurred according to specified percentages based on population only until January 1, 2000, and, then, on or after January 1, 2000, by a different formula.~~

~~This bill would extend the termination date to January 1, 2005, and delay the operation of the provisions providing for a different compensation formula until January 1, 2005.~~

~~This~~

~~The bill would also provide that moneys appropriated in the Budget Act of 1999 for local assistance payments to counties for the cost of homicide trials shall be available to reimburse 100% of any costs incurred by the County of Lake for the homicide trials of People v. Charles Craft, People v. Stanley Hines, and People v. Jerrold Johnson, and for 100% of any costs incurred by the County of Tuolumne for the homicide trials of individuals that may be arrested for the Pelloso murder and Sund murders.~~

~~(3) Existing law requires the Department of Boating and Waterways to contract for the development of a business plan for the operation of the Spud Point Marina.~~

~~This bill would require the business plan to focus on changes that can be accomplished within the physical boundaries of the marina, to relate directly to marina operations, and to include only proposals that may be fully implemented by the county board of supervisors without participation by, approval from, or creation of any other legal entity.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~



The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 6254.21 of the Government~~
2 ~~Code is amended to read:~~

3 ~~6254.21. (a) No state or local agency shall post the~~
4 ~~home address or telephone number of any elected or~~
5 ~~appointed official on the Internet without first obtaining~~
6 ~~the written permission of that individual.~~

7 ~~(b) For purposes of this section, “elected or appointed~~
8 ~~official” includes, but is not limited to, all of the following:~~

9 ~~(1) State constitutional officers.~~

10 ~~(2) Members of the Legislature.~~

11 ~~(3) Judges and court commissioners.~~

12 ~~(4) District attorneys.~~

13 ~~(5) Public defenders.~~

14 ~~(6) Members of a city council.~~

15 ~~(7) Members of a county board of supervisors.~~

16 ~~(8) Appointees of the Governor.~~

17 ~~(9) Appointees of the Legislature.~~

18 ~~(10) Mayors.~~

19 ~~(11) City attorneys.~~

20 ~~(12) Police chiefs and sheriffs.~~

21 ~~(e) For the purposes of this section, the home address~~
22 ~~of an elected or appointed official shall be deemed not to~~
23 ~~be posted on the Internet if it appears on the Internet as~~
24 ~~a portion of a data base that is a public record as a matter~~
25 ~~of law and provided that search by name is blocked.~~

26 ~~SEC. 2.—~~

27 ~~SECTION 1. Section 15202 of the Government Code,~~
28 ~~as amended by Section 1 of Chapter 583 of the Statutes of~~
29 ~~1996, is amended to read:~~

30 ~~15202. (a) A county with a population of 300,000 or~~
31 ~~less, at the time of the 1980 decennial census, that is~~
32 ~~responsible for the cost of a trial or trials or any hearing~~
33 ~~of a person for the offense of homicide may apply to the~~
34 ~~Controller for reimbursement of 90 percent of the costs~~
35 ~~incurred by the county for each homicide trial or hearing,~~
36 ~~without regard to fiscal years, in excess of the amount of~~
37 ~~money derived by the county from a tax of 0.00625 of 1~~

1 percent of the full value of property assessed for purposes
2 of taxation within the county.

3 (b) (1) A county with a population of 200,000 or less,
4 as of January 1, 1990, that is responsible for the cost of two
5 or more trials or hearings within a fiscal year of a person
6 or persons for the offense of homicide may apply to the
7 Controller for reimbursement of 90 percent of the costs
8 incurred in a fiscal year by the county for the conduct of
9 the first trial within a fiscal year, and 85 percent of the
10 costs incurred in a fiscal year by the county for the
11 conduct of any and all subsequent trials or hearings in
12 excess of the amount of money derived by the county
13 from a tax of 0.00625 of 1 percent of the full value of
14 property assessed for purposes of taxation within the
15 county.

16 (2) A county with a population of 200,000 or less, as of
17 January 1, 1990, that, within a fiscal year, is reimbursed for
18 costs incurred by the county for the conduct of only one
19 trial or hearing pursuant to subdivision (a) shall be
20 reimbursed for that one trial or hearing in subsequent
21 fiscal years for costs incurred in those subsequent fiscal
22 years without again being required to expend county
23 funds equal to 0.00625 of 1 percent of the full value of
24 property assessed for purposes of taxation within the
25 county, so long as all reimbursements to the county under
26 this paragraph are for only that one trial or hearing.

27 For purposes of this subdivision, in determining the
28 costs of a homicide trial, trials, hearing, or hearings, the
29 costs shall include, all pretrial, trial, and posttrial costs
30 incurred in connection with the investigation,
31 prosecution, and defense of a homicide case or cases
32 within a fiscal year, including, but not limited to, the costs
33 incurred by the district attorney, sheriff, public defender,
34 and witnesses, that were reasonably required by the court
35 and participants in the case or cases, and other
36 extraordinary costs associated with the investigation in
37 homicide cases.

38 (c) A county with a population exceeding 300,000 at
39 the time of the 1980 decennial census that is responsible
40 for the cost of a trial or trials or any hearing of a person

1 for the offense of homicide may apply to the Controller
2 for reimbursement of 80 percent of the costs incurred by
3 the county in excess of the amount of money derived by
4 the county from a tax of 0.00625 of 1 percent, and not in
5 excess of the amount of money derived from a tax of
6 0.0125 of 1 percent, and for reimbursement of 100 percent
7 of the costs incurred in excess of the amount of money
8 derived from a tax of 0.0125 percent, of the full value of
9 property assessed for purposes of taxation within the
10 county.

11 (d) The Controller shall not reimburse any county for
12 costs that exceed the standards for travel and per diem
13 expenses set forth in Sections 700 to 715, inclusive, and
14 Section 718 of Title 2 of the California Code of
15 Regulations. The Controller may reimburse
16 extraordinary costs in unusual cases if the county provides
17 sufficient justification of the need for these expenditures.
18 Nothing in this section shall permit the reimbursement of
19 costs for travel in excess of 1,000 miles on any single round
20 trip, without the prior approval of the Attorney General.

21 (e) The Legislature recognizes that the conduct of
22 trials for persons accused of homicide should not be
23 hampered or delayed because of a lack of funds available
24 to the counties for that purpose. While this section is
25 intended to provide an equitable basis for determining
26 the allocation to the state of the costs of homicide trials in
27 any particular county, the rising costs of those trials
28 necessitate an objective study to assure reasonable
29 financial restraints and incentives for cost-effectiveness
30 that do not place an unreasonable burden on the treasury
31 of the smaller counties.

32 This section shall remain operative only until January
33 1, 2005, and as of that date is repealed.

34 ~~SEC. 3.—~~

35 *SEC. 2.* Section 15202 of the Government Code, as
36 amended by Section 3 of Chapter 437 of the Statutes of
37 1994, is amended to read:

38 15202. A county which is responsible for the cost of a
39 trial or trials or any hearing of a person for the offense of
40 homicide may apply to the Controller for reimbursement

1 of the costs incurred by the county in excess of the
2 amount of money derived by the county from a tax of
3 0.0125 of 1 percent of the full value of property assessed
4 for purposes of taxation within the county.

5 The Controller shall not reimburse any county for costs
6 that exceed the State Board of Control's standards for
7 travel and per diem expenses. The Controller may
8 reimburse extraordinary costs in unusual cases if the
9 county provides sufficient justification of the need for
10 these expenditures. Nothing in this section shall permit
11 the reimbursement of costs for travel in excess of 1,000
12 miles on any single round trip, without the prior approval
13 of the Attorney General.

14 This section shall become operative on January 1, 2005.

15 ~~SEC. 4.—~~

16 *SEC. 3.* Section 15205 is added to the Government
17 Code, to read:

18 15205. Notwithstanding any other provision of law,
19 funds appropriated in the Budget Act of 1999 for local
20 assistance payments to counties for the cost of homicide
21 trials shall be available to reimburse 100 percent of any
22 costs incurred by the County of Lake for the homicide
23 trials of People v. Charles Craft, People v. Stanley Hines,
24 and People v. Jerrold Johnson, and for 100 percent of any
25 costs incurred by the County of Tuolumne for the
26 homicide trials of individuals that may be arrested for the
27 Pellosa murder and Sund murders.

28 ~~SEC. 5. Section 16 of Chapter 326 of the Statutes of~~
29 ~~1998 is amended to read:~~

30 ~~Sec. 16. (a) The Department of Boating and~~
31 ~~Waterways shall contract for the development of a~~
32 ~~business plan for the operation of the Spud Point Marina.~~

33 ~~(b) The department and the County of Sonoma shall~~
34 ~~jointly select the contractor to develop the business plan.~~

35 ~~(c) The business plan shall include, but not be limited~~
36 ~~to, a life cycle analysis of the marina improvements to~~
37 ~~determine replacement and dredging reserves needs, an~~
38 ~~investigation of alternatives for efficient operation of the~~
39 ~~marina, including private sector operation, a marketing~~
40 ~~plan to increase marina use by commercial fishing and~~

1 recreational vessels, and a definition of the market area
2 shared by the marina.

3 (d) The business plan shall focus on changes that can
4 be accomplished within the physical boundaries of the
5 marina, including how marina operation can be
6 expanded, improved, or modified to ensure the marina's
7 financial self-sufficiency without subsidy or contribution
8 from other sources. All business plan components shall
9 relate directly to marina operations and shall include only
10 proposals that may be fully implemented by the county
11 board of supervisors without participation by, approval
12 from, or creation of any other legal entity.

13 (e) Contingent upon the County of Sonoma's
14 implementation of the recommendations contained in
15 the final business plan, the department, with the consent
16 of the Boating and Waterways Commission, may
17 renegotiate or forgive any or all portions of the
18 outstanding debt owed by the County of Sonoma to the
19 department.

20 (f) Notwithstanding the provisions of the existing loan
21 agreement between the department and the County of
22 Sonoma relating to the Spud Point Marina, the
23 department shall suspend collection of all loan and
24 interest payments, penalties, and accrual of further
25 interest and penalties under that loan agreement, for a
26 maximum of three years.

